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AUTHOR Sosin, Michael
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ABSTRACT

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PARENS PATRIAE AND DISPOSITIONS IN JUVENILE COURTS

Michael Sosin

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Michael Sosin

June 1978

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ABSTRACT

This paper assesses the parens patriae orientation, which is often considered to be at the core of the operation of juvenile courts, and discovers that existing ideas concerning its role must be revised. In opposition to common theory it appears that parens patriae at best shares influence with a number of other orientations in juvenile courts, and may even no longer exist as a distinct, unified dimension. Further, neither parens patriae nor any of the other orientations bears a direct, simple relation to dispositions, although statistically significant correlations emerge when interaction effects are analyzed and when sub-samples are developed. These results are explained in relation to previous studies, the possibility of social change, and the community context of juvenile courts.

Parens Patriae and Dispositions in Juvenile Courts

Parens patriae is both a set of suggestions for organizing juvenile courts and a statement of the ideology of these institutions. The organizational suggestions encourage informal, personal handling of cases and a detailed examination of juvenile needs rather than the legal charge. They also favor dispositions based largely on the determined needs of the juvenile, and a resulting treatment that is designed to educate and change errant youth. The corresponding ideology is based on the premise that children are not capable of understanding or controlling their own actions and that the court, like a parent, must decide what is in the best interest of juveniles who are alleged to be delinquent. It further insists that dispositions arising from the informal juvenile court, even if they involve commitment to an institution, promote treatment and cure and should not be considered as punishment.

This entire parens patriae orientation is often said to be at the core of the operation of juvenile courts. On the one hand, it is said to dominate the organization of the institution as well as the ideologies of judges (Allen, 1964; Schultz, 1973). On the other hand, it is said to bear a large part of the blame for the allegedly harsh dispositions of juvenile courts, allowing judges who desire to punish youth to shield their decisions from the public by claiming that harsh dispositions are in the best interest of children, while influencing well-meaning judges to place a large proportion of children under the custody of the supposedly benign, helpful, treatment-oriented juvenile justice system (Platt, 1969). In sum, the concept is the starting point for numerous discussions of juvenile court practice and theory.

These claims concerning the role of parens patriae are made without strong reference to empirical studies of juvenile courts. While historical works tracing the ideologies leading to juvenile court legislation imply that parens patriae influenced the original development of juvenile courts, the studies do not demonstrate whether judges and courts across the country actually adopted the organizational suggestions and ideology of parens patriae along with the juvenile court idea (Lou, 1927; Teeters and Reineman, 1950; Platt, 1969). Similarly, studies of disposition patterns within the courts apparently imply some role for parens patriae when they note that certain background characteristics which a parens patriae orientation might consider important (such as family structure) influence dispositions, but the studies do not explain a significant proportion of the variance in dispositions, measure parens patriae directly, nor compare courts and judges in order to assess the effects of varying degrees of commitment to this orientation (Terry, 1967; Scarpitti and Stephenson, 1970; Barton, 1976; Cohen and Kluegel, 1978). Wheeler (1969) supplies indirect support for the importance of parens patriae in dispositions when he demonstrates that for 28 Massachusetts courts the severity of dispositions correlates positively to the cosmopolitanism of the judge, the informality of the court, and the belief that a juvenile is not responsible for his or her own actions;[1] the factors correlating with severe dispositions seem to measure either components of parens patriae (that is, informality and a lack of a belief in individual responsibility) or judge characteristics tending to promote a belief in this orientation. However, statistically significant relations are developed from a long list of attempted correlations rather than from a preexisting theory, the work is based on

a small, geographically homogeneous sample, and parens patriae is not measured directly. The results may then be chance correlations stemming from sampling bias or the large numbers of indicators tested, while many alternate substantive explanations may be generated.

It seems clear that the role of parens patriae in juvenile courts has not been satisfactorily verified, and it must be subject to further empirical examination. This paper assesses the role of the orientation and searches for possible alternatives with the help of a random sample of juvenile courts.

1. HYPOTHESES

Three issues are key to discussions of the role of parens patriae: the dominance of the orientation in juvenile courts, the consistency of the orientation, and its ties to dispositions. As a first step in determining juvenile court orientations, each may be placed in hypothesis form.

> Hypothesis 1. Parens patriae is the dominant model for organizing juvenile courts and the most widely believed ideology in these institutions.

This hypothesis is quite obviously generated from the claims mentioned above. Naturally, most researchers would admit that other orientations play some role, so that the point of this hypothesis is in part to suggest assessing parens patriae in relation to other orientations to determine if the traditional orientation is dominant in a comparative sense.

> Hypothesis 2. Parens patriae is a consistent, unified, orientation in juvenile courts.

Hypothesis two represents an assumption that parens patriae is influential in courts as a <u>set</u> of principles for organization and ideology.

That is, when researchers talk of the importance of parens patriae, they implicitly assume that all aspects of the orientation are present in courts at once and that partial acceptance of parens patriae is not a common pattern. For example, the belief that juveniles should be changed can be consistent with many types of organization and ideology, and it only implies the parens patriae orientation if it is combined with ideas concerning the importance of an informal court and the propriety of intervening in the lives of children; a belief in changing juveniles combined with a belief that the court only makes matters worse and that due process protections should be highly valued is not consistent with parens patriae.

Hypothesis 3. Parens patriae leads to harsh dispositions.

As has been mentioned, this hypothesis is often assumed to be true. However, satisfactory proof has not been generated, so that the issue must be tested in this paper.

2. DATA

The three hypotheses may be tested with the help of a mail survey of juvenile courts conducted by the National Assessment of Juvenile Corrections[2] in 1974. The mail survey is a random sample of courts selected from counties with more than 50,000 people. Four hundred such counties were sampled, and within them sets of questionnaires were sent to 600 courts believed to have juvenile jurisdictions. In addition, to insure the representation of urban courts in the analysis, questionnaires were sent to courts in any of the largest 20 counties that did not fall into the random sample.

Although four questionnaires were sent to each potentially responding court, only two are relevant here. Each court was sent one questionnaire

for the judge to answer and one for the administrator. Two hundred seventy-seven judges with juvenile court jurisdiction and 237 court administrators responded. This response represents 40% of the original questionnaires mailed. However, it was later determined that the original list of courts overestimated the potential universe. Using telephone calls and updated lists of courts to eliminate courts known to be ineligible, the response rate is 60% for judges and 58% for administrators.

The administrator questionnaire contains statistical information that is vital to the study. Accordingly, an effort was made to obtain statistics from state and local reports when administrators did not respond to the questionnaire. These reports added statistics from 141 jurisdictions, so that court statistics in at least a partial form are existent for 378 juvenile courts, about 80% of the adjusted sample. A comparison of the demographic characteristics of respondents and non-respondents reveals that response biases are negligible in the statistics, and that urban areas with larger populations are slightly overrepresented in the questionnaires (National Assessment of Juvenile Corrections, 1976).

3. MEASURES

Organization of Juvenile Courts

Judges were asked to rate on a six-point scale how important they thought a list of 14 court objectives were at present, and how important they thought such objectives should be. The fourteen items were aimed at representing the various modes of organizing juvenile courts which are

suggested in the literature, enabling a comparison of the importance of parens patriae with the importance of other orientations to be carried out.

1. Six items speak to the importance of parens patriae, the key orientation in this analysis, although each item, taken individually, may be consistent with other orientations. These items include the objectives of providing services to offenders, changing a juvenile's attitudes and values, developing a respect for the law, developing ties with social agencies, promoting better services for youth in the community, and (if scored in reverse) restricting court intervention to offenses that are crimes for adults. These items measure the various components of organization earlier noted as central to parens patriae, including treatment, changing juveniles toward lawful behavior, and an informal as opposed to a legalistic mode of case processing.

2. Some authorities believe that juvenile courts are dominated by a community protection orientation, that places emphasis on punishing juveniles as a means of protecting the community and assumes that punishment deters crime or at least gets criminal youth off the street, and that interests of the community for order should be a primary concern of juvenile courts (Platt, 1969). This orientation is measured by these items: punishing juveniles for their offenses, developing a respect for the law, protecting the community, and upholding the moral standards of the community. It is evident that these objectives imply a mode of organizing juvenile courts that emphasizes punishment and community protection.

3. A third potential orientation is a due process emphasis, which stresses the rights of juveniles and legalistic court processes. This orientation, believed by some to be a recent trend in juvenile courts

(Besharov, 1974), is represented by three items: protecting the rights of the juvenile offender, processing cases as quickly as possible, and restricting court intervention to offenses that are crimes for adults. Obviously, the items represent an organization of juvenile justice toward the legalistic mode.

4. Finally, some authorities believe that many juvenile courts are oriented toward maintaining themselves comfortably and avoiding conflicts with the environment (Blumberg, 1967; Feeley, 1973). This organizational maintenance orientation is also represented by three items: keeping staff morale high, increasing financial support, and providing effective communication channels. The items point to a mode of organizing courts which stresses internal operations.

Ideology

Questions asked of the judges concerning their opinions are useful in analyzing ideologies, as the opinion questions are aimed at measuring the extent to which these actors (key to juvenile courts) have internalized this aspect of court orientation. The items necessary to compare parens patriae ideologies to other orientations do not exist on the questionnaire, and instead three items representing the parens patriae ideology alone are analyzed.

One item asks the judges the extent to which they agree (on a six-point scale) that "commitment to a state institution for juvenile offenders is usually the least desirable disposition." Those judges with a parens patriae ideology should disagree with this statement more than other judges, as the parens patriae ideology in its pure form (as has been mentioned)

implies that commitment is desirable for juveniles who require a structured setting. A second item is "punishment will teach delinquents right from wrong." Because parens patriae states that courts treat and do not punish juveniles, disagreement with this item also represents an aspect of parens patriae. Finally, a third item asks judges the extent to which they agree that "when the evidence does not clearly establish the offense charged, the case should be dismissed, regardless of the child's apparent need." This item taps judges' opinions concerning whether the court, acting in the child's best interest, should intervene on the basis of needs rather than evidence; disagreement with the statement again connotes agreement with parens patriae.

Dispositions

Two measures of dispositions contained in the administrator questionnaire are used in this paper. The first is the percentage of all cases within a juvenile court that are committed either to an institution or to the state agency responsible for corrections. The two types of commitment are nearly identical, distinguished only by state policy as to who has the formal right to commit youth. This measure is of obvious importance, because commitment is the most serious disposition a court may exact and because court critics claim that parens patriae affects the commitment rate. Commitments average about 6% of all cases referred to a juvenile court.

The second indicator is the percentage of formal cases committed. Formal cases are those cases that involve the official, judicially determined delinquent label. The measure of formal commitments is included in order to deal with the possibility that the judge (the only individual whose values and goals are directly studied in this paper) has control only over

formal cases, due to the ability of the probation staff to independently dispose of informal cases; about 11% of the cases heard formally are committed in the average court.

Each hypothesis data analysis is tested using the various measures but using different statistical techniques. It is thus most appropriate to present the technique for analysis and the result of the analysis separately for each hypothesis.

Hypothesis 1

The ranking and the mean scores of the items measuring objectives are useful in testing part of the first hypothesis, whether parens patriae is the central organizing principle in juvenile courts. The ranking of the objectives enables a comparison of parens patriae with other orientations to be completed, while the mean scores, which if taken alone are misleading because items in the format used here tend to result in high scores in general (Gross, 1968), when analyzed along with the ranks help determine the extent to which a specific orientation dominates other principles.

Some may object to this analysis because it relies on organizational objectives, rather than actual court operations. This objection may be dealt with by noting that parens patriae and the other orientations are normally considered to be overriding objectives, so that the use of objectives in this analysis is consistent with common views. Further, following Gross (1968), the questions used in this analysis ask judges to assess how important objectives are at present and how important they should be. The division is designed to overcome the problem of reports of objectives that are not actually operationalized, as they insure that

objectives reflecting actual organization are distinguished from those reflecting unfulfilled wishes; the items referring to present objectives represent the actual organization of juvenile courts and are thus appropriate for the present analysis.

Hypothesis 1 also demands an analysis of the centrality of the parens patriae ideology, operationalized here in opinions of judges. There are only three relevant opinion items, so that ranking cannot be used; rather, the distribution of responses to the items assesses this aspect of the hypothesis. If parens patriae is a central ideology, judges will disagree with all three opinion statements.

The resulting ranks, means, and distributions are reported in the first two tables. Table 1 demonstrates an interspersal of items representing all four dimensions of objectives. Thus the item ranked highest by the average judge is the due process objective of protecting the rights of children. The objective ranking second in importance is the parens patriae goal of changing a juvenile's attitudes and values. The third ranking objective, protecting the community from dangerous youth, represents the community protection orientation. Developing a respect for the law, ranking fourth, is in theory part of both parens patriae and the community protection orientation. The fifth ranking item, providing social services to offenders, also ranks in the parens patriae orientation. However, the sixth and seventh ranking items, keeping staff morale high and providing effective communication channels, represent the organizational maintenance dimension. Objectives representing each of the four predicted dimensions are found below this seventh ranking item.

In addition, the difference in mean scores from which ranks are generated is quite small. On the six-point scale the mean scores of the

Table 1

Judges' Ranking of Actual Objectives
(n = 244 complete cases)

Rank	Objectives	Score
1	To protect the rights of juvenile offenders	5.15
2	To change juveniles' attitudes and values	4.95
3	To protect the community from dangerous youth	4.82
4	To develop respect for the law	4.80
5	To provide social services to offenders	4.77
6	To keep staff morale high	4.75
7	To provide effective staff communication	4.72
8	To promote services in the community	4.66
9	To process cases quickly	4.65
10	To develop ties with social agencies	4.62
11	To increase financial support for the court	4.48
12	To uphold the moral standards of the community	4.12
13	To see that offenders are appropriately punished	3.62
14	To restrict court intervention	3.07

Note: All items scored on a six-point scale.

third and tenth ranking items differ by only two-tenths of a point. In some sense one can then speak of nearly identical stress on a number of items representing all of the predicted orientations.

More interpretation will be provided later in this paper, but for the present it is sufficient to note that this analysis indicates some importance for items representing all dimensions. Thus, a model of the objectives of juvenile courts must present the other three modes of organization along with parens patriae, which appears here as simply one among approximate equals within juvenile courts. For students of organizational goals the finding of numerous orientations is to be expected, but the finding does point out the flaws in analyses of juvenile courts which do not recognize multiple goals, and it thus fails to support the first hypothesis.

Table 2 looks at the distribution of the responses to the three opinion items which are believed to tap (in a negative manner) the extent to which the parens patriae ideology is central. The table shows that the overwhelming majority of judges perceive commitment to be a very undesirable alternative: 46% agree strongly. There is wide disagreement that punishment will teach juveniles right from wrong, although a third of the judges are favorably disposed to this notion. Further, about three-fourths of the judges agree or strongly agree that a court should dismiss a case if the evidence does not clearly establish the charge.

These distributions, while certainly not definitive evidence, call the centrality of a parens patriae ideology into question. Two of the three sets of responses suggest an ideology that directly opposes parens patriae. Judges in general agree that commitment is not desirable and

Table 2

Judges' Opinions
(n = 263)

Item	% Strongly Agree	% Agree	% Mildly Agree	% Mildly Disagree	% Dis-agree	% Strongly Disagree
Commitment to a state institution for juvenile offenders is usually the least desirable disposition.	46.0	36.1	10.3	4.2	3.4	0.0
Punishment will teach delinquents right from wrong.	1.2	11.6	25.9	13.5	32.8	15.1
Where the evidence does not clearly establish the offense charged, the case should be dismissed, regard-less of the child's apparent need.	30.0	35.8	11.9	5.4	13.9	3.1

that cases should be dismissed if evidence does not prove the charge despite the fact that the traditional parens patriae ideology as described in the literature looks on commitment as a useful alternative and promotes intervention on the basis of needs. Only the responses opposing punishment are consistent with parens patriae, which claims that the court treats and does not punish. At best, therefore, the data imply that judges agree with the parens patriae ideology with respect to treatment rather than punishment, but not with the other two common parens patriae ideas.

Despite a clear pattern discounting aspects of parens patriae, some disagreement among judges exists, as 17% of the judges disagree or strongly disagree with the notion of dismissing cases when there is not clear evidence. This points to some continuing influence of key parens patriae ideas, as some judges believe in intervention without clear evidence, a core principle of the traditional orientation. In other words, perhaps certain features of parens patriae have currency in some of the juvenile courts, even though the orientation represents a minority point of view.

Hypothesis 2

Hypothesis 2 says that parens patriae is a consistent set of organizing principles and ideologies in juvenile courts. In the case of organizing principles consistency is tested by a factor analysis of the objectives. This statistical technique determines the dimensions in items by pointing out the variables that factor into a small set of dimensions. If parens patriae includes a consistent set of organizing principles in juvenile courts, the objectives reflecting the orientation

will be found in a distinct dimension determined by the factor analysis. The analysis uses an orthogonal rotation and the traditional eigenvalue cut-off at 1.

The study of opinions, useful in testing if ideologies are consistent, cannot rely on a factor analysis because there are too few items. Rather, correlations among the items, as well as correlations between these items and factor scores determined in the analysis mentioned above (in the orthogonal rotation, the objective factors are constrained to be uncorrelated), are analyzed. The consistency of parens patriae as an ideology demands positive correlations between the three opinions, while the potential consistency of ideology and organization is supported by negative correlations between opinions (which measure parens patriae in reverse) and the potential parens patriae factor in the objectives. Thus consistency is operationalized as correlations.

Table 3 represents the factor analysis of the fourteen objectives. The table lists only three dimensions, rather than the predicted four because only three developed in the analysis. In fact, a fourth factor does not result even if the eigenvalue cut-off is relaxed, as no items in the resulting additional factor reach the .40 loading normally ascribed to items in a dimension. There are seven items in Factor I, four in Factor II, and four (nearly five) in Factor III when the .40 loading is used as a criterion for inclusion. As is noted below, these items and factors support some of the ideas concerning dimensions in juvenile court, but they do not support the existence of a consistent parens patriae orientation.

One dimension, Factor II, contains items precisely as suggested in the community protection literature. The items are: upholding the moral

Table 3

Factors in the Judges' Objectives

Factor I--Youth Concern	(orthogonal rotation)
Develop ties with social agencies	.77
Protect rights of juvenile offenders	.66
Provide social services to offenders	.56
Promote services in the community	.55
Change juveniles' attitudes and values	.43
Process cases quickly	.43
Develop respect for the law	.41
Factor II--Community Protection	
Uphold the moral standards of the community	.60
Develop respect for the law	.55
Protect the community from dangerous youth	.52
See that offenders are appropriately punished	.46
Factor III--Court Maintenance	
Keep staff morale high	.81
Provide effective staff communication	.79
Increase financial support for the court	.53
Protect the community from dangerous youth	.42
(Develop ties with social agencies	.39)

standards of the community, developing a respect for the law, protecting the community, and insuring that juveniles are appropriately punished. All items represent the predicted objectives in a community protection orientation as they all imply a punitive approach aimed at meeting desires of the community for order.

Factor III in general represents another predicted dimension, that of organizational maintenance. This factor contains the objectives of keeping staff morale high, providing communication channels, increasing financial support, and protecting the community. Providing services in the community comes within .01 of loading at the .40 level. The first three items in this factor represent the organizational maintenance dimension as originally predicted; the last two items were not expected to fall into the factor, but their loadings seem to make sense. These items point out that maintaining the court is perceived by judges to require developing ties with outside groups as a means of insuring internal stability, as both protecting the community and providing services in the community take pressure off the court.

Most important for this report, a separate parens patriae factor is not demonstrated. Table 3 shows that Factor I contains most of the due process items along with the parens patriae items. Protecting the rights of juveniles and processing cases quickly load along with such parens patriae items as treating and changing juveniles, developing a respect for the law, and developing ties and services in the community. Indeed, an oblique rotation that was attempted to clarify the findings makes this point in even stronger terms. The oblique rotation retains all items in Factor I intact, but it also demonstrates that the goal of restricting court

intervention tends to load positively to this factor. This loading is the opposite of what one would expect from the theory of parens patriae; the parens patriae orientation implies that court intervention should not necessarily be restricted to cases in which the offense would be a crime for an adult. Thus the dimension that involves treatment also includes due process.

The differences between Factor I and parens patriae are significant enough to suggest that the factor be given a different label. Youth concern seems fitting, as Factor I contains nearly all items in the goal section that support helpfulness to juveniles. This label thus outlines the factor without specifically suggesting the entire orientation involved.

Some notions concerning the orientation involved in youth concern can be gained from analyzing the relative loading of items within the dimension. The items loading highest in the factor, particularly the objectives of developing ties with social agencies, protecting the rights of juveniles, and providing social services to juveniles, imply providing benefits for juveniles. Items ranking lower, such as developing respect for the law, processing cases quickly, or changing attitudes and values, involve either organizational contingencies or, more importantly, changing juveniles. Youth concern apparently mainly stresses social services, and secondarily suggests organizational means or changes for juveniles.

This stress in youth concern is consistent with the family model of juvenile courts developed by Griffith (1970). In brief, the family model is based on the assumption that juvenile matters are similar to disputes between equal parties and that the court adjusts matters for the

good of all involved. Viewing juveniles and the complaining adults as equals naturally involves respect for the legal rights of juveniles. This model may also lead to attempts to change attitudes and behaviors of juveniles, but only under some conditions; the family court may adopt many means of solving disputes, and mandating changes in the accused juvenile is only one such means. The model encourages any treatment or service that will help resolve the dispute.

Certainly the youth concern dimension contains few items and is open to a large number of alternate interpretations, so that it is not sufficient to prove the centrality of the family model. The clearest attributes of the orientation are its stress on service as opposed to change, and its belief in the importance of protecting rights. Most important for the theme of this paper, these concerns are distinct from parens patriae, which stresses change and is much less concerned with legal rights. Factor I thus suggests that the common notions of the centrality of parens patriae as one single dimension must be modified. Certain components of parens patriae are expressed within one dimension, but due process items also load in the dimension, and change items load lower than service items. The stress in Factor I is placed upon justice and service in ways parens patriae would not suggest.

Table 4 reports correlations among the opinions along with correlations between these items and the factor scores derived from the analysis of objectives. The table shows that the correlations are small and limited, as none are above .18 in magnitude and only two--both negative relations--are statistically significant.

Both of the statistically significant relations support the interpretation suggested by the analysis of objectives: that parens patriae

Table 4

Correlations Among Judges' Objectives and Opinions

	Youth Concern	Community Protection	Organi-zational Maintenance	Commitment Least Desirable	Punish Juveniles
Commitment least desirable	.13 (241)	.07 (241)	.08 (241)	--	--
Punish juveniles	-.14* (238)	.09 (238)	-.03 (238)	-.18* (258)	--
Restrict court intervention	.07 (238)	-.14 (238)	-.05 (238)	.04 (259)	-.01 (255)

Note: The numbers in parentheses are the number of complete observations used for each correlation.

*$p < .05$

is not a consistent orientation. Most important, the negative relation between the opinion that commitment is least desirable and the opinion favoring punishment is not as predicted from a parens patriae orientation, since parens patriae is opposed to punishment yet favors commitment under some circumstances. The correlation can probably be more easily explained by the existence of a youth concern orientation which states that the court should not punish and views commitment as a form of punishment. The other statistically significant negative correlation, between youth concern and punishment, combined with the positive correlations (not statistically significant) between this factor and the other two opinions, also offers some tentative support for the suggested description of a youth concern dimension that favors treatment but is skeptical of intervention, as the youth concern factor has been described as consistent with restricting court intervention, while it is not consistent with punishment and commitment.

Perhaps the most important point in the table is the small size of the relationships. One might expect low correlations between opinions and objectives for methodological reasons; the two may simply represent different dimensions. However, correlations between all three opinion items are low. These results point out that there are many different orientations among judges that cannot be scaled on one dimension; if parens patriae were dominant the three would all correlate highly in the same direction, youth concern domination suggests stronger correlations than exist between the dimension and opinions, yet independence is the major finding. Perhaps there is some flux in attitudes caused by the clash between existing components of parens patriae and competing

orientations such as youth concern.

Hypothesis 3

Despite the existence of multiple orientations and the questions concerning the current status of the parens patriae concept, court orientations might still have an impact upon dispositions. The community protection factor and the punishment attitude might lead to harsh dispositions because both apparently imply reducing delinquency by applying such dispositions. The organizational maintenance dimension might also lead to harsh dispositions because the dimension represents sensitivity to the community, and communities often demand harsh treatment. The opinion favoring dismissing cases if evidence is insufficient might lead to less harsh dispositions because such an opinion is in direct opposition to parens patriae, which is said to favor harsh dispositions. Both an unfavorable opinion of institutionalization and the youth concern factor might result in less harsh dispositions, as both of these measures represent orientations that are skeptical of court intervention.

Obviously the effect of the various orientations of judges on dispositions is measured by the correlation between the objectives and opinion measures and the two indicators of dispositions. These are reported in Table 5. Because the objectives fall into three factors, the factor scores of the three dimensions are sufficient to represent the three orientations.[3] The opinion measures are all independent, and thus are correlated separately to the dependent measures.

The most important result in Table 5 is the scarcity of significant correlations; not one of the 18 correlations reaches even the .05 level of statistical significance. In this sample, orientations in general do not appear to play a statistically significant role in dispositions.

Table 5

Correlations Between Objectives, Opinions, and Dispositions

	Percent Committed	Percent of Formal Cases Committed
Youth concern	-.04 (151)	-.04 (112)
Community protection	-.04 (151)	-.04 (162)
Organizational maintenance	.05 (151)	.10 (162)
Commitment least desirable	-.03 (166)	-.04 (178)
Punish juveniles	.15 (161)	.09 (173)
Restrict court intervention	-.09 (164)	-.10 (176)

Note: Numbers in parentheses represent number of complete cases analyzed.

Given the lack of statistical significance, directions of correlations must be handled with caution, but some interesting patterns are suggested. Thus, the youth concern factor correlates to fewer commitments by both measures, correlating in the opposite direction from what would be expected from parens patriae and this may further indicate that the youth concern orientation is different from the traditional orientation said to dominate courts. On the other hand, an opinion opposing dismissal of charges when the evidence is not sufficient tends to correlate to slightly more commitments, and in direction, this suggests that the parens patriae ideology concerning intervention is consistent with more harsh dispositions. Indeed, as expected, maintenance and punishment in general correlate with more commitments, although the community protection factor does not. One certainly cannot make broad statements on the basis of statistically insignificant correlations; the most important conclusion remains the lack of relationships, as opposed to theories predicting a large role for parens patriae.

It might be argued that the lack of relationships between any of the items and dispositions suggest that there is a problem in the measures; certainly it seems reasonable to expect objectives and opinions of judges to play some role in dispositions. However, it must first be noted that on a conceptual level the question is not whether judges' opinions or objectives influence disposition decisions. Rather, the only question is whether overarching patterns found on a national basis influence the behavior of specific judges. Judges certainly decide cases on the basis of their own beliefs; but these beliefs apparently do not spring from the national orientations tested in this paper.

In fact, other measures do correlate reasonably well to dispositions. As a future paper will point out, the role of the judge in the court and the jurisdiction of a juvenile court determine significant proportions of the variance in dispositions. The lack of importance of the objectives and opinions must thus be attributed to the lack of a national, widely shared set of ideas that influence dispositions.

4. INTERPRETATION

The analysis fails to support the three hypotheses, and instead suggests alternate formulations concerning the role of parens patriae and other orientations in juvenile courts. Thus, the data concerning hypothesis 1 suggest that parens patriae is not dominant in juvenile courts; on the level of organizational objectives this traditional orientation shares importance with other orientations, while on the level of ideology some aspects of parens patriae are rejected by most judges. In fact, there is some disagreement concerning the importance of some aspects of ideology as well as objectives, implying that juvenile courts must be characterized in terms of the complexity and diversity of their ideologies and organizational patterns.

The failure to support the first hypothesis may be attributed to two factors. First, it is possible that parens patriae was dominant at one time in juvenile courts, but that recent events have altered the situation. One recent change has been an increase in crime, that might have led to the importance of certain community protection concepts in juvenile courts. In addition, over the last ten years three influential Supreme Court decisions pointed out that parens patriae can lead to arbitrary

behavior and to an exorbitant number of commitments,[4] labelling theorists have noted that court intervention may be harmful to juveniles (Schur, 1973), analysts of public agencies have suggested that it might be better to simply supply benefits to clients than to try to change them (Handler and Hollingsworth, 1972), and practicing attorneys have criticized the lack of due process available under the best interests model (Forer, 1970; Murphy, 1974). Thus the reduction in importance of certain parens patriae concepts related to the informal court, to favoring institutionalization, and to changing juveniles, along with the corresponding gain in importance of legalistic concepts, might be a response to new suggestions for organization and ideology brought forth in recent years.

It is also possible to argue that parens patriae has never been influential in local juvenile courts because community pressures have from the start resulted in multiple orientations. As Emerson (1969) notes, juvenile courts are quite responsive to local pressures, some of which may result in a community protection orientation, legalistic notions, or a reduced emphasis on commitments. The organizational maintenance orientation, further, might be an inevitable result of the operation of any organization in the local community (Etzioni, 1960).

One may note similar divergences from the second hypothesis and similar explanations. While this hypothesis states that parens patriae will be a consistent orientation in juvenile courts, the data suggest that it is not, and that the modified version of the traditional orientation called youth concern seems to exist, instead. Youth concern retains the notion that the court should act in the interest of children, but it stresses rights and is skeptical of court intervention in a manner not

suggested by the parens patriae orientation. Both the analysis of objectives and the study of opinions support this interpretation, but only to a degree; the existence of multiple, independent orientations is also suggested by the analysis.

Obviously, both social change and local pressures might account for these results. The recent criticisms of parens patriae may have led to the formation of youth concern, while local pressures may also support this orientation rather than parens patriae. In addition, both social change and local pressures may result in cross pressures on courts, as both suggest a number of alternate orientations, so that the existence of multiple, independent dimensions might also be attributable to these mechanisms.

Hypothesis 3 is also called into question by the analysis, and again the same two explanations may be developed. While the third hypothesis states that parens patriae will lead to more harsh dispositions, in actuality none of the orientations bears statistically significant relations to these case outcomes. Perhaps confusion in ideologies brought about by social change or local pressures explains the results, as at present it is difficult to determine what patterns of disposition any orientation actually supports. Thus the youth concern factor implies an emphasis on strategies of providing services and rights, yet it still includes some stress on changing individuals. Judges may believe that providing services in a helpful manner involves restricting court intervention, and that changing attitudes and behaviors requires more serious court intervention. In terms of dispositions, the two sets of ideas might simply cancel out.

Indeed, the other objectives and opinions studied may also be ambiguous in suggesting dispositons. For example, the community protection orientation suggests that punishment is useful, but it does not directly note whether institutionalization or formal handling is useful punishment; the community protection orientation may be held by judges who also believe that commitment actually increases the propensity of a juvenile to commit further delinquent acts. Similarly, maintenance may involve cross-pressures, with some community groups supporting harsher dispositions and some supporting less severe dispositions. With such ambiguity, a lack of a relationship between orientations and dispositions should be expected.

5. FURTHER ANALYSIS

Some further analysis supports this suggestion that flux and ambiguity help account for the limited correlations between orientations and dispositions. If flux and ambiguity were important, one would expect certain combinations of orientations to relate significantly to dispositions while no single orientation demonstrates such an effect. That is, the ambiguity and flux should be reduced when a number of different views are held at once. For example, while the youth concern orientation, alone, is ambiguous in directing dispositional patterns, it might consistently imply less harsh dispositions when it is combined with a rejection of the community protection orientation.

In order to determine possible interaction effects an analysis of a variance model was developed. This model uses each of the three measures

of dispositions as dependent variables, and dichotomized versions of the goal and attitude measures as independent variables. The factor scores for goals are divided at the mean, and the attitude measures are divided between the "mildly agree" and "mildly disagree" categories.

Owing to a problem of empty cells, only four independent measures could be used in the analysis of variance run: the intervention on the basis of needs attitude, the youth concern goal, the community protection goal, and the organizational maintenance goal. For both measures of commitment rates, some three-way interactions exist (there are no statistically significant two- or four-way interactions) which support the notion that combinations of variables affect dispositions. For both total commitments and commitments as a proportion of formal cases, there is a statistically significant interaction between youth concern, community protection, and organizational maintenance ($F = 5.05$ and 4.47, respectively; $p < .05$). The three-way interaction between the intervention attitude, youth concern, and maintenance approaches statistical significance when total commitments is the dependent variable ($F = 2.86$; $p < .10$). Judges who have high scores on youth concern and low scores on both community protection and organizational maintenance apparently perceive a direct tie between this set of beliefs and limiting commitments, as do judges who believe that intervention should be based upon evidence, who favor youth concern, and who have low scores on the organizational maintenance dimension. The argument concerning the importance of uncertainty in the direct, simple correlations is therefore strengthened.

Further, analysis of subsamples of judges supports, in small ways the social change explanation of flux and ambiguity. Thus, if social

change were the cause of flux, one would expect consistent relations to exist between orientations and dispositions among judges who are not as exposed to change. Judges who do not attend conferences may represent a group that is more isolated and less exposed to change, and among these judges (n = 40), the overall commitment rate is correlated with both the youth concern factor (r = -.28) and the attitude opposing intervention if evidence is not clear (r = -.27).

A second explanation of uncertainty and flux stresses the influence of local conditions which disrupt the possible relation between orientations and dispositions. If this position were true, one would expect to find statistically significant correlations in subsamples of courts that have homogeneous environments. Indeed, when the entire sample of judges is divided into subsamples with increased homogeneity, some statistically significant results occur. For example, court environment varies considerably depending on whether a judge is appointed, elected, or first appointed and then elected on the basis of his or her record; past research implies that appointed judges tend to be able to act more on their personal preferences concerning dispositions, and elected judges are more sensitive to legal directives, whereas appointed then elected judges seem most sensitive to community demands for protection (Sosin, 1977). Correlations within the subsamples indicate that appointed judges whose courts emphasize the community protection goal commit more youth (r = .24 for each measure), and elected judges who agree with the importance of dismissing a case if proof is not sufficient commit fewer youth (r = -.38 for all commitments and r = -.31 for commitments as compared to formal cases), whereas appointed then elected judges tend to commit more youths when their courts emphasize

organizational maintenance more often (r = .18 and .12, respectively). These results are consistent with ideas about the differences the status of the judge makes, but they are scattered, and further explanation would be ad hoc. The general point the results make is that the lack of effect of goals and values on dispositions may be partly due to the heterogeneity of court environments.

It is interesting that the largest correlations above occur within the elected judges subsample and involve the opinion representing a key point of parens patriae currently under attack: whether intervention without sufficient legal evidence is warranted. The correlations are about the same size as those reported by Wheeler (1969) in a study that supports a role for parens patriae in dispositions and that measures opinions in Massachusetts, where judges are elected. In other words, although the current study points out that parens patriae has a large impact on dispositions only in a very specific context using a very specific measure, Wheeler's work, properly interpreted, may be consistent with this finding.

6. CONCLUSION

The evidence presented in this paper strongly questions the assumed centrality of parens patriae. This orientation does not exist by itself, is partly combined with due process in a youth concern orientation, and shares importance with other orientations. In fact, a number of different, independent orientations seem to exist. Perhaps because of this confusion, existing orientations as represented by attitudes and goals of judges do not have the strong ties to dispositions many assume.

Both social change and the local pressures on juvenile courts may explain the results, but the implications of the analysis for theories concerning the juvenile justice system are at least as important as explanations. While it is common to blame parens patriae for a large number of problems, ranging from the labelling of juveniles to arbitrary court processing and an excessive number of commitments, parens patriae is not a consistent orientation, does not dominate courts, and apparently does not have a large impact on dispositions, and the emphasis placed on it in juvenile court theory may be misplaced. The lack of impact of parens patriae does not necessarily imply that juvenile courts are not guilty of excessive labelling, arbitrary case processing, and a large number of commitments; rather, the more reasonable conclusion is that other factors play a key role in these phenomena. For example, one might consider the lack of power of juveniles in society and the ideologies concerning the inferior position of children as at least partly responsible for the creation of a court system that may not take the viewpoints of juveniles into account. Or perhaps local pressures on courts and the organization of the judiciary result in the most common patterns of organization, ideology, and case dispositions. Whatever the case, certainly the lack of an important role for parens patriae calls for a look beyond this ideology in assessing juvenile court practice and theory.

NOTES

[1]Wheeler's specific variables are quality of reading, quantity of reading, belief in individual responsibility, judge's experience, judge's age, and whether the judge wears a robe. Correlations of these variables, with both commitment rate and an overall index of severity, are reported with similar results. The highest reported correlation is .33, and the lowest is .23.

[2]The National Assessment of Juvenile Corrections was supported by Law Enforcement Assistance Administration grants 75NI-99-0010 and 76NJ-99-0001. Rosemary Sarri and Robert Vinter were the codirectors. Tables 1 and 3 of this report were reported by me in another form in one of the publications of the NAJC, but the context and theory were quite different.

[3]To be sure of the results, an attempt was made to test the effect of each objective, taken separately. There were a few significant correlations, but they were always below .20 in magnitude, and the number of such significant results was about what one would expect by chance alone.

[4]The decisions are Kent v. United States (1966), 313 U.S. at 541; In re Gault (1967), 387 U.S. at 1; In re Winship (1971), 397 U.S. at 358.

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